

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

FRANK T. WHITEHEAD,

Plaintiff,

v.

OPINION AND ORDER

20-cv-488-slc

ROSLYN HUNEKE, L. DOBBERT, K. FRISK,
B. RINK, N. KIAHEULOUHL, and
SALLY WEISS, LEGAL LOAN DEPARTMENT,

Defendants.

Pro se plaintiff and prisoner Frank Whitehead filed this proposed civil action under 42 U.S.C. § 1983, contending that staff at New Lisbon Correctional Institution failed to respond properly to his reports of severe knee pain and requests for pain medication between July and September 2018. On September 20, 2021, I screened Whitehead's proposed complaint and dismissed his lawsuit without prejudice under Fed. R. Civ. P. 8, because his allegations did not support a claim against any of the named defendants. Dkt. 15. However, given that it was possible that Whitehead omitted certain facts about what these defendants actually knew about his pain medication, I gave Whitehead until October 12, 2021, to file an amended complaint that states a claim upon which relief can be granted, *id.*, then extended this deadline to November 12, 2021 at Whitehead's request, *see* dkt. 18.

Instead of filing a proposed amended complaint, on October 27, 2021 Whitehead filed a three-page sworn affidavit in which he repeats many of the same allegations that he made in his complaint. Dkt. 19. Whitehead fails to offer any additional explanation about what the named defendants knew about the expiration of his prescription for pain medication and he fails to make any averments that would support an inference of deliberate indifference on any defendant's part. Accordingly, because Whitehead's allegations do not state a federal claim against any defendant, his complaint will be dismissed and a strike will be recorded.

ORDER

IT IS ORDERED that plaintiff Frank Whitehead's complaint is DISMISSED for failure to state a claim upon which relief may be granted. A strike shall be recorded under 28 U.S.C. § 1915(g).

Entered this 18th day of November, 2021.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge